

ZB# 72-12

**Irwin Liss/ Al's Tire
Service**

4-3-10.24

Public Hearing
June 19th - 8 p.m.
~~no~~ fee paid

72-12 - Irwin Hiss -
Al's Tire Service

Filed
8-8-72
12:20 P.M.



4-3-10,24

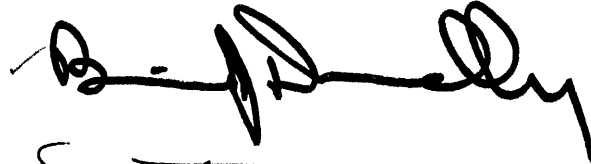
72-12-
Quinnhiss -
All is Time Curve

PUBLIC NOTICE OF HEARING BEFORE THE ZONING BOARD OF APPEALS
PLEASE TAKE NOTICE that the Zoning Board of Appeals of the Town of New Windsor, New York, will hold a public hearing pursuant to Section 43-13, A of the Zoning Ordinance, on the following propositions:
 Appeal No. 12
 Request of Irwin Liss and Sheldon Liss for a Variance of the regulations of the Zoning Ordinance, to permit Erection of building for Service & sale of tires & accessories under name All's Tire Service, being a Variance of Article III, Section 43-13, for property owned by him situated as follows: Corner of Temple Hill Rd and Hempstead Rd., in town of New Windsor.
SAID HEARING will take place on the 19th day of June, 1972, at the New Windsor Town Hall, 555 Union Avenue, New Windsor, N.Y., beginning at 8.00 o'clock P.M.
FRED WYGANT
 Chairman
 By: Patricia Dello
 Secy.
 June 8

State of New York
 County of Orange, ss:

Brian J. Donnelly, being duly sworn deposes and says that he is The Publisher of Newburgh-Beacon News Co., Inc., Publisher of The Evening News, a daily newspaper published and of general circulation in the Counties of Orange and Dutchess, and that the notice of which the annexed is a true copy was published ...
 One Time
 in said newspaper, commencing on the 8th day of June A.D., 1972, and ending on the 8th day of June A.D., 1972

Subscribed and sworn to before me this
9th day of June 1972



Robert V. Specter
 Notary Public of the State of New York, County of Orange.
 MY COMMISSION EXPIRES MARCH 30, 1973

Adopted 12/20/65

APPLICATION FOR VARIANCE

Application No. 72-12
Date: June 1, 1972

TO THE ZONING BOARD OF APPEALS OF THE TOWN OF NEW WINDSOR, NEW YORK

I (We) Irwin Liss 56 Eisenhower Drive
Sheldon C. Liss of 12 Coolidge Court
(Street & Number)

Middletown

New York
(State)

HEREBY MAKE

APPLICATION FOR A VARIANCE:

- A. Location of the Property Corner of Temple Hill Road and Hempstead Street
(Street & Number) (Zone)
- B. Provision of the Zoning Ordinance Applicable: (Indicate the article, section, sub-section and paragraph of the Zoning Ordinance applicable, by number. Do not quote the ordinance.) Section 48-13
- C. NOTE: NECESSARY FINDINGS: Before any Variance is granted, the Zoning Board of Appeals must find all of the following conditions to be present:
- Conditions and circumstances are unique to the applicant's land, structure or building and do not apply to the neighboring lands, structures or buildings in the same zone because: land not large enough for industrial use; inadequate sewage available for industrial use; present location of applicants' business not large enough for proper conduct of same.
 - Strict application of the provisions of this ordinance would deprive the applicant of a reasonable use of the land, structure or building in a manner equivalent to the use permitted to be made by other owners of their neighboring lands, structures or buildings in the same zone because: Provisions of Ordinance do not permit commercial establishments; type of operation is compatible with other business operations in the area in question.
 - The unique conditions and circumstances are not the result of actions taken of the applicant subsequent to the adoption of the Ordinance because: _____

4. Relief, if approved, will not cause substantial detriment to the public good or impair the purposes and intent of this Ordinance because: Area in question is

basically industrial-commercial and Crowley Milk across Hempstead Road is
a retail-wholesale commercial operation.

5. Relief, if approved, will not constitute a grant of special privilege inconsistent with the limitations upon other properties in the zone because: _____

- D. Describe in detail how the property is to be used and submit plans or sketches in duplicate.

Property in question will be used for retail and wholesale sales and servicing of
tires and accessories and is somewhat industrial in nature in that major industrial
users in the area require servicing of vehicles necessary for operation of industrial
complexes. Plans and sketches attached.

- E. Application to be accompanied by two checks, one payable to the Town of New Windsor in the amount decided by the Board and the second check payable to the Secretary for taking the public hearing minutes. Applications to be returned to: Secretary of ZBA.

- F. NOTICE OF HEARING: Applicant agrees to send notice of any public hearing via registered or certified mail to all abutting land owners as required by Sec. 9.4.1. of the Ordinance.

- G. If the property in question is located within a radius of 500 ft. of an adjoining municipality, the Board should be notified. Also, have your attorney check Sec. 239 I&M of the Gen. Municipal Law to see if it applies. If so, notify the Orange County Planning Board by sending them an application.

Dated: June 5, 1972

STATE OF NEW YORK) SS.:
COUNTY OF ORANGE)

Sworn to on this 5th day of June, 1972.

Alice Liss

ALICE LISS
Notary Public, State of New York
Qualified in Orange County
Commission expires Mar 30, 1973

[Signature]
Signature of Applicant

56 Eisenhower Dr

Middleton NY
Address

342-2063
Telephone Number

(DO NOT WRITE IN THIS SPACE)

Application No. 72-12
Date of Hearing 6/19/72
Date of Decision 7/6/72

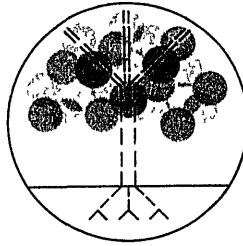
DECISION:

Date Received 6/1/72
Notice Published 6/8/72

denied

Department of Planning

Peter Garrison, A I P , Commissioner
Edwin J Garling, A I P , Deputy Commissioner



The County Building
Goshen, New York 10924
(914) 294-5151

County of Orange

Louis V Mills, County Executive

July 5, 1972

Mr. Fred Wygant, Jr., Chairman
Town of New Windsor Zoning Board of Appeals
Forge Hill Road
New Windsor, New York 12550

Re: Use Variance - Al's Tire Service
County Road 59 (Temple Hill Road)

Dear Mr. Wygant:

This office is in receipt of the above application. We have made our review in accordance with the provisions of Sections 239, L and M, of the General Municipal Law, and deny County approval.

At the present time, uses within the Windsor Industrial Park are fairly integrated and confined to light manufacturing-industrial-type uses. There are, however, several businesses within close proximity to the park which are concentrated and have not as yet begun to spread along County Roads 59 and 69. All of these uses seem to cause minimum traffic conflicts, congestion, and disturbance although the roads in the area carry substantial amounts of traffic.

The proposal before your Board is primarily a retail use which does not belong and should not be located in an industrial park. Such a use could help to spur on and augment similar uses which could have an impact on the proposed reservoir, Cantonment, residences, traffic, etc. in the immediate area along Temple Hill Road. If the proposal was designed for the convenience of park occupants, or was of a non-retailing nature, we would be inclined to think differently and support the intended use.

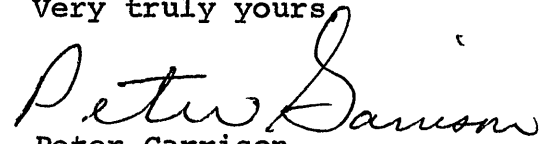
Should your Board decide to approve the application, the following should be considered and included on a revised site plan:

1. Entrances and exits should be located off Hempstead Road and not the County road.

July 5, 1972

2. Parking spaces and loading areas should be kept away from and not conflict with entrances and exits.
3. Landscaping, which appears to be non-existent, should be introduced into the front and side yards. Re-orienting service areas within the building, having a 50' setback, and eliminating parking area #1 could help assure ample landscaping and a more attractive-looking building.
4. Open outdoor storage should be prohibited.
5. Employee parking should be confined to the rear or side.
6. Drainage appears to be a problem behind the applicant's land, since the drainage ditch terminates at that point. The culvert should carry water to Silver Stream.
7. The lot line should be kept 40' and not 35' from the existing center line of the county road.
8. Submit a copy of the site plan to the County Department of Public Works for review and approval.

Very truly yours


Peter Garrison
Commissioner of Planning

PG:mj

cc: William Price, Sr., OCDPW
Joseph Tallarico, Chairman,
New Windsor Pl.Bd.

Reviewed by:
Joel Shaw
Senior Planner



June 16, 1972

Mr. Theodore Marsden
Town Supervisor
Town of New Windsor
555 Union Avenue
New Windsor, New York

Dear Mr. Marsden:

We have received the Notice of Hearing before the Zoning Board of Appeals at the New Windsor Town Hall on June 19, 1972, at 8:00 p.m., to consider the request of Irwin and Sheldon Liss for a variance of the regulations of the Zoning Ordinance, to permit the erection of a building for the service and sale of tires and accessories at the corner of Temple Hill Road and Hempstead Road.

This company would like to go on record and request the Zoning Board of Appeals to consider the following items:

1. This company has already experienced delays in the construction of our facility at New Windsor, New York, because of the insufficiency of preparations taken by the various contractors engaged in construction on those lots which adjoin ours, to avoid interference with the construction and use of our property at New Windsor, New York. This is particularly demonstrated by the inadequate drainage facilities at the other locations which have delayed our current construction activities and has raised serious questions as to whether, once our plant is completed and in operation, we will be disadvantaged at that time by the inadequate drainage facilities constructed on the adjacent lots.

We would like, therefore, an assurance that if the zoning variance is granted, the applicants be required to install adequate drainage facilities so as not to interfere with both the construction of as well as future operation of our facility.

Mr. Theodore Marsden

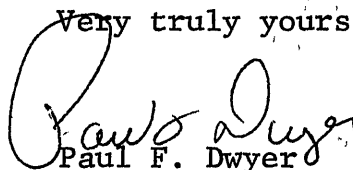
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June 16, 1972

2. This company would also like to point out to the Zoning Board of Appeals the fact that there will be substantial traffic arriving at and departing from our facility and that if the applicants are granted an exit on Hempstead Road, this could well cause some traffic and safety problems.

Therefore, we would appreciate your notifying the Zoning Board of Appeals of the foregoing items so that if the application for the variance is granted, the applicants will be required to take the necessary safeguards so as to eliminate the possibility of interfering with the construction of and the operation of our facility at New Windsor, New York.

Very truly yours,



Paul F. Dwyer

Director of Legal Affairs

PFD:BR



OFFICE OF THE ASSESSOR

TOWN OF NEW WINDSOR

Chairman
Ellsworth E. Weyant
555 Union Avenue
New Windsor, New York 12550
(914) 565-8808
May 31, 1972

Mr. Irwin Liss
Al's Tire Service

Re: Yanko ^Property

Dear ^Mr. Liss:

According to my records, the attached list of property owners are within the five hundred (500) feet of the area you inquired about.

The charge for this service is \$15.00. Please remit same to the Town Clerk, making the check payable to Town Clerk, Town of New Windsor.

Respectfully,

Ellsworth E. Weyant
ELLSWORTH E. WEYANT
Sole Assessor
Town of New Windsor

EEW/pk

Enc.



1763

Yanko Property

OFFICE OF THE ASSESSOR

TOWN OF NEW WINDSOR

Chairman
Ellsworth E. Weyant
555 Union Avenue
New Windsor, New York 12550
(914) 565-8808

Charles & Ethel R. Smith
Helmes Hill Road
Washingtonville, New York

~~State of New York~~

Warren & William Sloan
Temple Hill Road RD#2
New Windsor, New York 12550

Ellwhy Realty Corporation
78 Bridge Street
Newburgh, New York 12550

Crowley Milk Company, Inc.
145 Conklin Avenue
Binghamton, New York

The Coca Cola Bottling Co. of New York
425 East 34th Street
New York New York

Ethel A. Sloan
Temple Hill Road RD#2
New Windsor, New York 12550

Thomas Palumbo
Susan Drive
Newburgh, New York 12550

Thomas J. Palumbo
Susan Drive
Newburgh, New York 12550

Town of New Windsor
555 Union Avenue
New Windsor, New York 12550

Respectfully submitted,

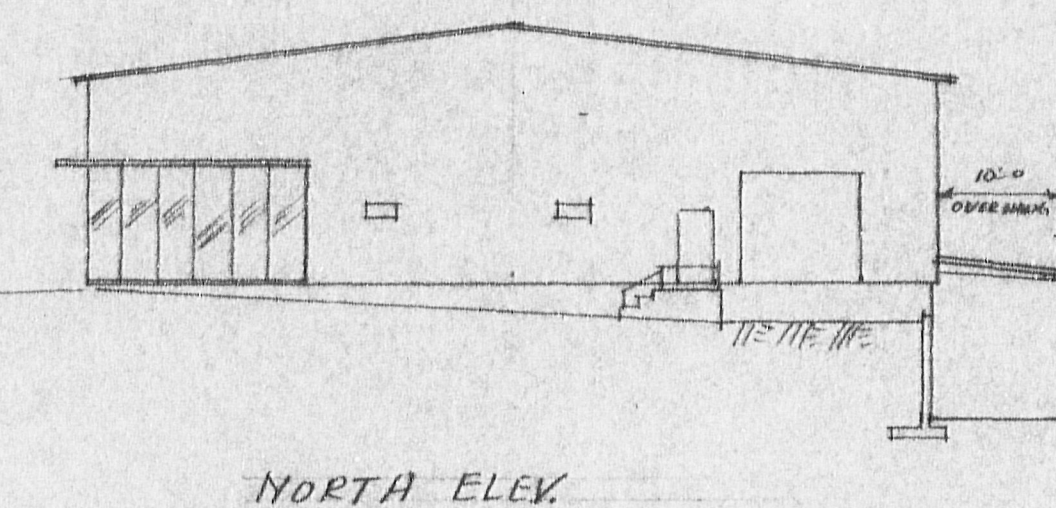
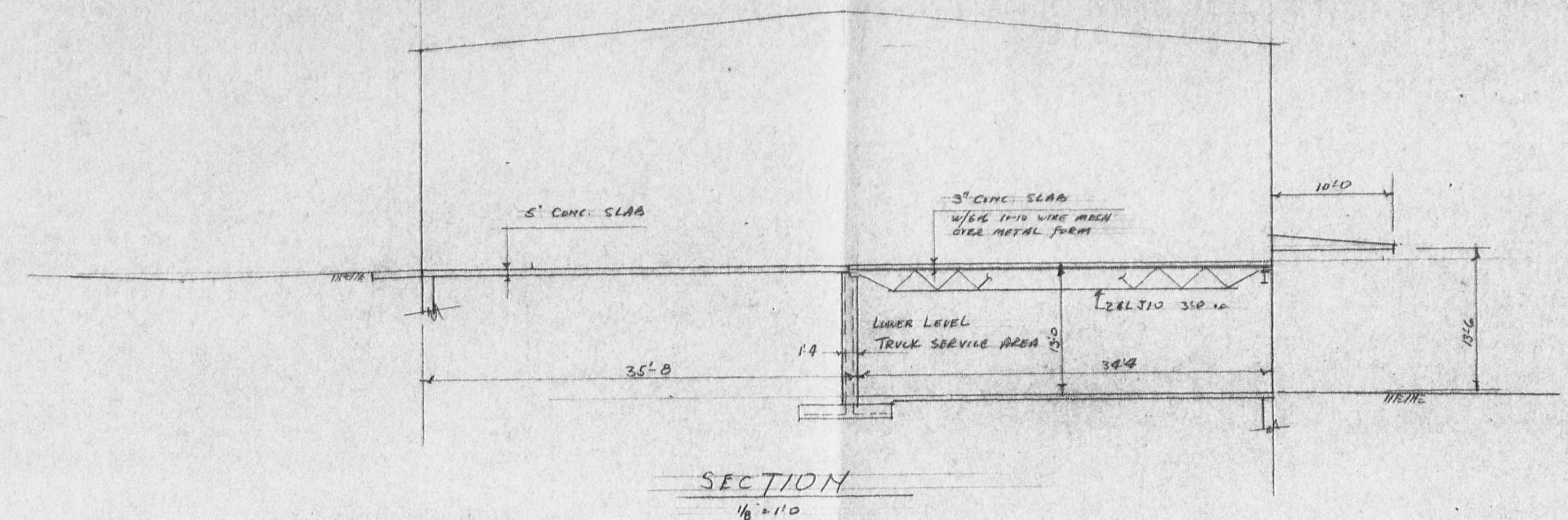
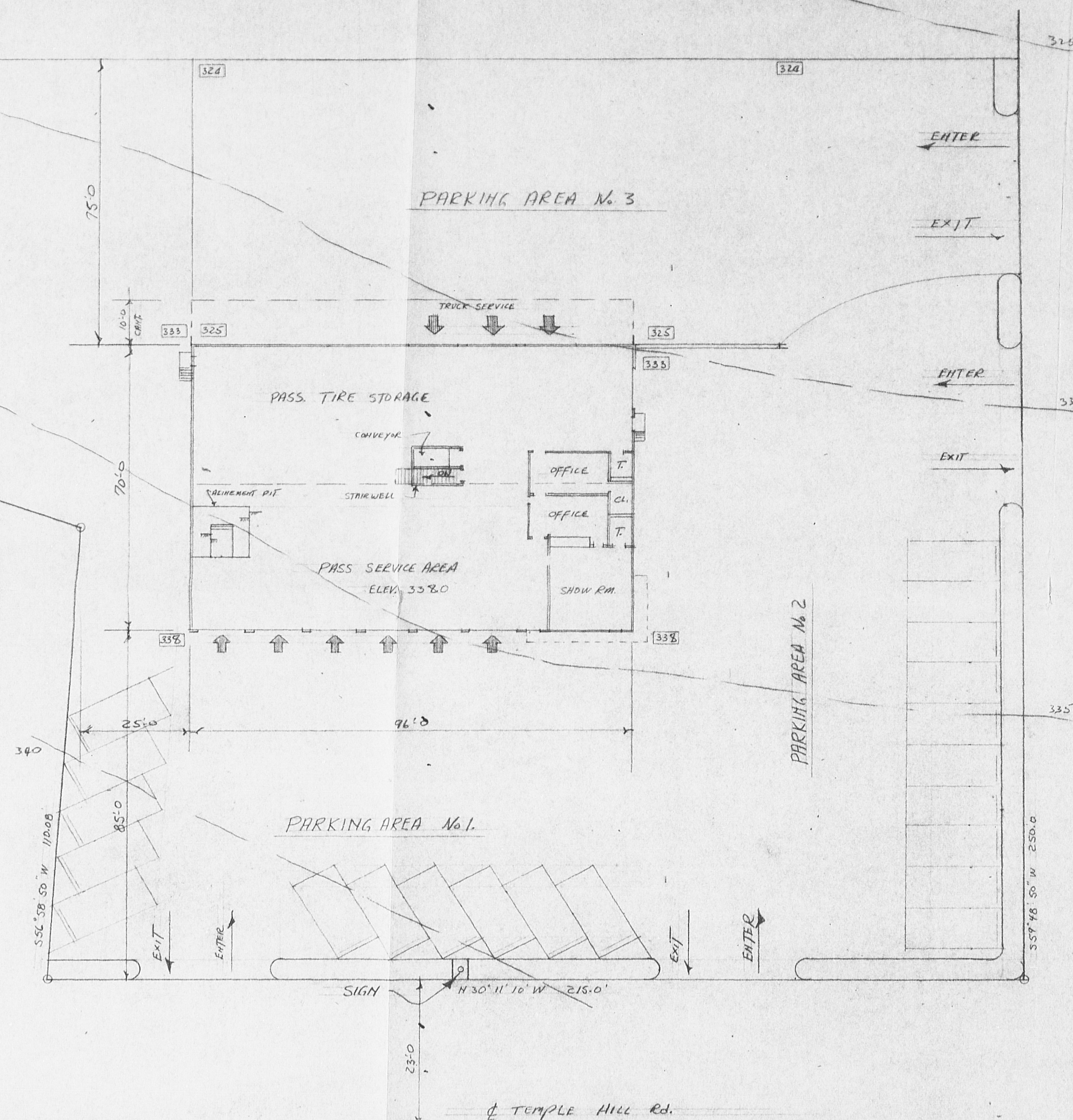
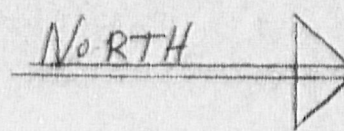
ELLSWORTH E. WEYANT
Sole Assessor
Town of New Windsor

EEW/pk

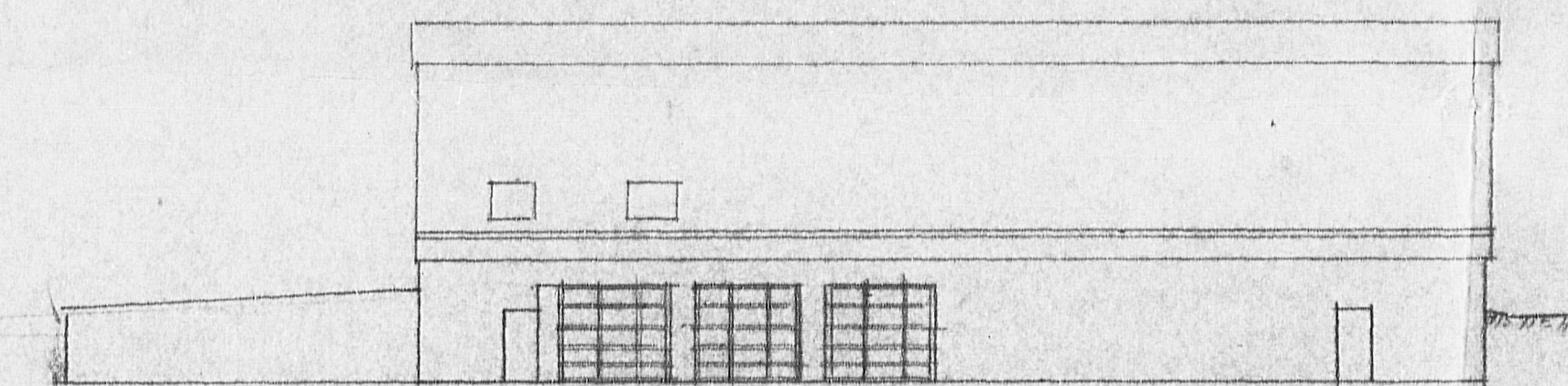
Public Hearing - 8p.m. - Al's Tire Service

Spectators:

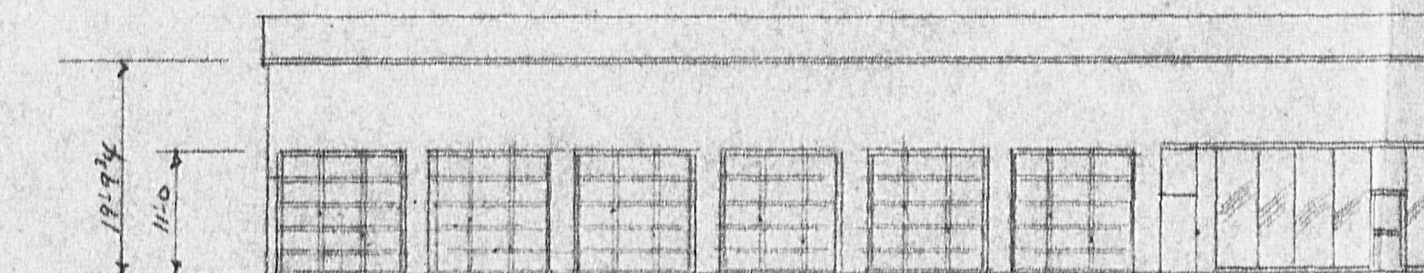
| Name | Address |
|--------------|----------------------------|
| Wm. Passione | Coca-Cola - 520 Burg, Nbg. |



NORTH ELEV.



WEST ELEV.



EAST ELEV.

NOTES:

1. PROVIDE RECESSED FLOOR ILLUMINATION OF 75 F.C. PER IN. SHOWRM. & OFFICES PLUS 10 OUTSIDE FIXTURES. ALL OTHER AREAS TO HAVE 25 F.C. MIN. OF 1/2" x 8" FLOOR ELECTRICAL SERVICE TO BE 200 AMP 3-PHASE W/ 42 CIR. PANEL. PROVIDE C.B. & WIRING. HOOK UP FOR ALL HEATING & COOLING UNITS. 10 H.P. COMPRESSOR, 3/8" TIE BALANCE & ALL SIGNS.
2. HEATING & COOLING UNIT FOR OFFICE & SHOW RM. & TOILETS TO BE DUCTED TYPE WITH CONDENSER. ALL OTHER AREAS TO BE HEATED WITH UNIT HEATERS SUSPENDED FROM STEEL JOISTS.
3. PROVIDE MASONRY P.C. IN SHOWRM. & OFFICES. WITH 5/8" A.C. TILE ON C.B. 2"x4" GRID SYSTEM & 1/2" MIN. TILE OVER. TOILETS TO HAVE MARBLE WALLS & CER. TILE FLOOR.
4. PROVIDE SEPTIC TANK & DRAIN FIELD AS SPECIFIED.
5. PROVIDE WATER OUTLET AS SHOWN ON DWG.
6. PROVIDE CURBED CONC. IN PASS. SERVICE AREA.
7. ALL FLOOR ENDS TO BE FINISHED WITH FINE STEEL TROWLING & CONC. SLOPER & HATCHER APPLIED.
8. ALL WALLS & CEILING TO BE INSULATED.
9. ALL PARKING AREAS TO HAVE A BITUMINOUS 2" WEARING SURFACE OVER 4" x 6" BIT. FND.
10. PROVIDE 6" WATER LINE INTO BLDG. WITH APPROVED VALVES. LINE TO BE TAPPED OFF 8" WATER MAIN ALONG HEMPSTEAD RD.

AL'S TIRE SERVICE
CORNER TEMPLE HILL RD. &
HEMPSTEAD RD. - NEW WIND
SITE PLAN & ELEVATIONS

DATE: 6-6-72 DRAWN BY: IERWIN LISS RE.